

TAB 11

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

_____ X
THE CITY OF HUNTINGTON, : Civil Action
Plaintiff, : No. 3:17-cv-01362
v. :
AMERISOURCEBERGEN DRUG :
CORPORATION, et al., :
Defendants. :
_____ X
CABELL COUNTY COMMISSION, : Civil Action
Plaintiff, : No. 3:17-cv-01665
v. :
AMERISOURCEBERGEN DRUG :
CORPORATION, et al., :
Defendants. :
_____ X

BENCH TRIAL - VOLUME 14
BEFORE THE HONORABLE DAVID A. FABER, SENIOR STATUS JUDGE
UNITED STATES DISTRICT COURT
IN CHARLESTON, WEST VIRGINIA

MAY 20, 2021

1 system, correct?

2 **A.** I guess that's fair to say, the investigation that was
3 done, yeah.

4 **Q.** And the finding that you made is inconsistent oversight
5 of field QRA, right?

6 **A.** That is the statement that is made.

7 **Q.** And for the Court's benefit, field QRA is Quality
8 Regulatory Affairs, correct?

9 **A.** That is correct.

10 **Q.** And did you -- Cardinal operated with compliance
11 officers at the different distribution centers it had across
12 the country; is that correct?

13 **A.** That is correct.

14 **Q.** Next, you find that inconsistent QRA participation and
15 direction both in selection of personnel and training of
16 personnel. So, some other of your concerns about the system
17 that was being operated, correct?

18 **A.** I wouldn't call them concerns. They were
19 identifications of areas for continuous improvement.

20 **Q.** Okay. And then skipping down a little bit, you find
21 that there are communication gaps between QRA, Quality
22 Regulatory Affairs, and the sales force, unclear decision
23 rights, right?

24 **A.** That is stated on the form.

25 **Q.** You also noticed over the time there at Cardinal that

1 there was some contention or conflict between Sales and QRA
2 at times, correct?

3 **A.** I did not notice any conflict between Sales and QRA.

4 **Q.** Never any issues between Sales and QRA in your mind?

5 **A.** Not with regard to what we were doing.

6 **Q.** Then in the resource section, the last bullet point
7 that you have under resources is budgetary constraints and
8 limited resources. That was another finding that you made,
9 right?

10 **A.** It was another observation.

11 **Q.** And when you came to Cardinal and you met with Mr.
12 Reardon, you had three staff members, didn't you?

13 **A.** I did.

14 **Q.** And that's excluding Mr. Reardon, correct?

15 **A.** That is correct.

16 **Q.** And it was Eric Brantley, Tim Dunham and Nick Rausch;
17 is that right?

18 **A.** That is correct.

19 **Q.** Okay. And you felt that to properly operate the
20 Anti-Diversion System at Cardinal you needed more help than
21 just those three individuals, didn't you?

22 **A.** I did.

23 **Q.** If we turn the next page, Page 4 of the document, you
24 talk about key action and people. Do you see that?

25 **A.** I do.

1 he will revisit the pharmacies mentioned and respond to
2 Doug's concern.

3 **Q.** So some pharmacies were identified and Mr. Quintero
4 said that there would be follow-up done at these pharmacies.
5 Is that fair?

6 **A.** That's correct. We'll revisit the pharmacies mentioned
7 in the email.

8 **Q.** Now, was it your understanding that, in fact, the store
9 was visited after this email?

10 **A.** I have no recollection as to whether or not the
11 pharmacy was visited after this email.

12 **Q.** Do you have any reason to believe that it was not
13 visited?

14 **A.** I have no reason to believe either way that it was or
15 it was not.

16 MS. MAINIGI: Your Honor, at this time I would
17 like to move for the admission of P-2020.

18 THE COURT: Any objection to 2020?

19 MR. ACKERMAN: No objection, Your Honor.

20 MR. FULLER: No, Your Honor.

21 THE COURT: It's admitted.

22 BY MS. MAINIGI:

23 **Q.** Now, with respect to 2020, the timing of this email
24 chain is approximately June, 2012; is that right?

25 **A.** That is correct.

1 **Q.** All right. Let's take a look at Cardinal 770.

2 Can you identify Cardinal 770, Mr. Mone, after you've
3 had a chance to review it?

4 **A.** It is the, the -- it is the, the representation of the
5 computer investigator site visit report.

6 **Q.** And the investigator site visit report for where?

7 **A.** T & J Enterprises.

8 **Q.** And is that the T & J Enterprises in Huntington, West
9 Virginia?

10 **A.** Yes, it is. It's the same, it's the same address that
11 we've been talking about.

12 **Q.** And what was the date of the visit?

13 **A.** The 20th of August of 2012.

14 **Q.** And when were -- when was that discussion internally at
15 Cardinal about T & J?

16 **A.** June 12th.

17 **Q.** 2012?

18 **A.** 2012, yes.

19 **Q.** So within two months, the visit had been made?

20 **A.** Yes.

21 **Q.** Okay.

22 MS. MAINIGI: Your Honor, at this point I'd like
23 to move for the admission of Cardinal 770.

24 THE COURT: Any objection to 770?

25 MR. FULLER: No, Your Honor.